

HOUSE JOINT RESOLUTION 177

By Akbari

A RESOLUTION to commemorate the Centennial of the Shelby County Public Defender.

WHEREAS, since the founding of this State in 1796, the Tennessee Constitution, echoing the United States Constitution, has enshrined in its Declaration of Rights the right to counsel in all criminal prosecutions; and

WHEREAS, in 1917, in recognition that many criminally accused could not afford to exercise their constitutional right to counsel, the General Assembly provided access to justice in this State by passing Chapter 69 of the Private Acts of 1917 and thereby creating a Public Defender to represent those accused of crimes in Shelby County who could not afford to retain an attorney; and

WHEREAS, in establishing the Shelby County Public Defender, the General Assembly passed legislation championed by State Senator Samuel O. Bates, a Memphis attorney who realized the need for public defense after the acquittal of his client Robert Davis, a black man wrongfully accused of killing a white woman in Dyer County in 1915; and

WHEREAS, in establishing the Shelby County Public Defender as the first public defense system in the Eastern United States, the State of Tennessee pioneered the idea that every person facing deprivation of liberty has a right to an attorney regardless of ability to pay; and

WHEREAS, on March 1, 1917, Lawrence J. Monteverde was appointed the first Shelby County Public Defender, inaugurating a century of leadership committed to fundamental fairness in the justice system and inspiring advocacy for the constitutional right to counsel all the way to the United States Supreme Court; and

WHEREAS, in 1963, Abraham “Abe” Fortas, a native of Memphis and a future associate justice of the United States Supreme Court, argued successfully before that Court in the landmark case *Gideon v. Wainwright* that the constitutional right to counsel required states to provide attorneys to those charged with felonies who could not afford to retain counsel; and

WHEREAS, for the last century, before and after the United States Supreme Court’s unanimous decision in *Gideon v. Wainwright*, the attorneys and professional staff of the Shelby County Public Defender have zealously, independently, and ethically advocated for clients unable to retain counsel but facing deprivation of life, liberty, and income; and

WHEREAS, the Shelby County Public Defender remains dedicated to providing the highest standard of representation to clients, including advocating for innovative and collaborative community solutions; and

WHEREAS, the Shelby County Public Defender has innovated community-based crime prevention and reduction programs including Building for the Future, School House Adjustment, and the Jericho Project, a nationally recognized jail diversion strategy for clients living with serious mental illness; and

WHEREAS, the Shelby County Public Defender continues to innovate while representing clients in Shelby County’s specialty Mental Health, Veterans, Drug, Domestic Violence, and Environmental courts; and

WHEREAS, the Shelby County Public Defender is a founding partner of the National Association for Public Defense, an organization engaging public defense professionals in advocacy surrounding the constitutional right to counsel; and

WHEREAS, the Shelby County Public Defender is a partner office of Gideon’s Promise, the premier public defender training organization in the United States; and

WHEREAS, in 2013, as part of a historic agreement between the Department of Justice, Shelby County, and Shelby County Juvenile Court, the Shelby County Public Defender launched a specialized Juvenile Defender Unit, anchoring systemic reforms in Shelby County’s juvenile justice system through zealous, independent, and ethical advocacy for children; and

WHEREAS, in 2014, in collaboration with the National Juvenile Defender Center, the Shelby County Public Defender promulgated the first attorney practice standards for Tennessee in the highly specialized practice of law that is juvenile defense; and

WHEREAS, in 2016, in partnership with the Cecil H. Humphreys School of Law at the University of Memphis, the Shelby County Public Defender instituted the first specialized juvenile defense clinical education program in this State; and

WHEREAS, today, the Shelby County Public Defender, led by the tenth Public Defender Stephen Bush, is the largest criminal defense law firm in Tennessee, with 140 lawyers and professionals representing more than 30,000 people each year; and

WHEREAS, it is wholly fitting that we recognize the Shelby County Public Defender for its foundational and continuing role in representing any person in Shelby County facing deprivation of life, liberty, or income who cannot afford to retain an attorney, and thereby ensuring not only individual justice but the integrity of the legal system; now, therefore,

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE ONE HUNDRED TENTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE SENATE CONCURRING, that we honor and commend the Shelby County Public Defender's Office upon the commemoration of its Centennial, and extend to the members of this office our deepest gratitude for their hard work and dedicated service to the citizens of Shelby County.

BE IT FURTHER RESOLVED, that an appropriate copy of this resolution be prepared for presentation with this final clause omitted from such copy.